

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

VALENTINO DIXON,

Plaintiff,

v.

Case No. 19-cv-01678

CITY OF BUFFALO, et al.,

Defendants.

MOTION TO TAKE JUDICIAL NOTICE

The City of Buffalo, Mark Stambach, James Lonergan, John Vickerd, Raneiro Masecchia, and Richard Donovan (“the City Defendants”) respectfully move this Court to take judicial notice of a recent Decision and Order issued by the New York State Appellate Division, Fourth Department, on December 20, 2024. Counsel for the County of Erie has expressed that the County joins the City Defendants in this request.

The Fourth Department issued the applicable Decision and Order in related criminal proceedings entitled *People v. Dixon*, KA 23-01942 (4th Dep’t 2024). A copy of the Decision and Order is attached hereto as **Exhibit A**. The Decision and Order reverses a ruling from Erie County Court Judge Susan Eagan. Judge Eagan had previously vacated Plaintiff Valentino Dixon’s conviction for criminal possession of a weapon in the second degree. The Fourth Department’s Decision and Order reinstates Mr. Dixon’s conviction for criminal possession of a weapon in the second degree. In other words, based on this recent Decision and Order from the Fourth Department, one of the charges in the indictment brought against Mr. Dixon did not terminate in his favor. He is guilty of that charged offense.

Pursuant to Federal Rule of Evidence 201(b), a court may take judicial notice of facts that are “not subject to reasonable dispute” because they . . . “can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned.” In fact, under Federal Rule of Evidence 201(c), a court ***must*** take judicial notice of evidence if a party requests it, and the court is supplied with the necessary information. Finally, under Federal Rule of Evidence 201(d), a court has the power to take judicial notice of evidence at any stage of a proceeding.

Here, the City Defendants respectfully submit that this Court must take judicial notice of the Fourth Department’s recent Decision and Order and the resulting legal consequences. The Decision and Order comes from a court of law, and its accuracy cannot be reasonably questioned. The Decision and Order is also highly relevant to status of Mr. Dixon’s criminal convictions resulting from his involvement in the August 10, 1991, homicide of Torriano Jackson –a topic which is a central focus of the pending summary judgment motions. The City Defendants therefore respectfully request that the Court consider the Decision and Order and afford to it whatever weight the Court deems appropriate when ruling on the pending motions for summary judgment.

DATED: December 23, 2024

Respectfully submitted,

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